#### Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/21/13 Page 1 of 56

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12-20-12 Nadine Faye Prior Printed/Typed Name If you are acting on behalf of any entity, identify that you are (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

2013 JAN 10 PM 3: 29 Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: Dec. 22, 2012	Deorgeanne Fulstone-Pucillo Signature GEORGEANNE FULSTONE-PUENCO
a a file	Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are
	acting as:
	(Title)
	(Corporate, Trust, Partnership or other entity)
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#### Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/21/13 Page 4 of 56

Case 3:73-cv-00127-RCJ-WGC Document 1789 Filed 01/08/13 Page 2 of 2

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections 1 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 2 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 3 If I (or the entity on whose behalf I am acting) have retained an attorney to 5. 4 represent me in these proceedings, I identify that attorney below, along with his or her mailing 5 address, telephone number, facsimile number, and e-mail address: 6 Attorney: William E. Peterson 7 Address: 50 W. Liberty, Suite 510 8 Reno, Nevada 89501 9 10 Phone Number: (775) 785-5440 Fax Number: (775) 785-5441 E-mail Address: wpeterson@swlaw.com PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada. "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

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(Signature)

Deorgeanna Fulstone-Pucillo (Printed or typed Name)

Georgeanne Fulstone-Pucillo

(Entity, if any, on whose behalf you are appearing)

1461 "C" Street Fureka, CA 95501 (Address) (707) 443-5555 (Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

2

#### Susan L. Schneider, attorney for the United States of America TO:

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Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Trustee

(Title) a-Trevnan Famil (Corporate, Trust, Partnership or other entity)

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Filed 01/02/13, Page 1 of 5 GC Document 1797 Filed 01/02/13 Page 1 01 5 Page 6 of 56 FILED RECEIVED SERVED ON **ENTERED** COUNSEL/PARTIES OF RECORD JAN 02 2013 1 No Com 2 IN THE UNITED STATES DISTRICT COURTCLERK US DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 DISTRICT OF NEVADA DEPUTY 4 UNITED STATES OF AMERICA 5 In Equity No. C-125-ECR Plaintiff. Subfile No. C-125-B 6 WALKER RIVER PAIUTE TRIBE, DISCLAIMER OF INTEREST IN 7 WATER RIGHTS AND NOTICE OF Plaintiff-Intervenor, 8 RELATED INFORMATION AND DOCUMENTATION SUPPORTING 9 DISCLAIMER 10 WALKER RIVER IRRIGATION 11 DISTRICT, a corporation, et al., 12 Defendants. 13 14 The undersigned counter-defendant in the above action hereby notifies the Court and the 15 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has 1.6 no interest in any water right within the categories set forth in Paragraph 3 of the Case 17 Management Order (Apr. 18, 2000) and, therefore, disclaims all interest in this action. 18 This disclaimer and notice shall be sent to the following two persons: 19 20 Linda Lea Sharer, Chief Deputy Clerk United States District Court for the District of Nevada 21 South Virginia Street, Suite 301 22 ), NV 89501 we have already
mailed this in but
horget to sign it
so here is au
righed copy. And Susan L. Schneider United States Department of Justice L. Schneider 999 18th Street d States Department of Justice South Terrace - Suite 370 30x 756 Denver, CO 80202 on, CO 80160 cause the undersigned sold or otherwise conveyed ownership of all of the ER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons, the undersigned provides the following additional information: 5 The name and address of the party or parties 6 7 Name(s): Timothy B. Tiernan & Katherine J Quinlan tustees for the Quintan /Tiernan Family Trust 8 9 Street or P.O. Box: 2636 Irene Way owners of: 10 Lot II in Black A 11 of the Virgina Lakes Town or City: 12 Bishop Subdivision No. 3 in NE 1/4 13 Sect 7, SE 1/4, SE 1/4 Sec 6 8, SW1/4 SW1/4 Sec 5 T. 2N., R. 2E State: 14 CA m. D. B. &M 15 mono county, CA Zip Code: 43514 16 The name and address of each person or entity who acquired ownership 17 18 Name(s): 19 .20 21 Street or P.O. Box: 22 23 Town or City: 24 25 State: 26 27 Zip Code: 28 DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION,

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.2 3. [name, if applicable, of person acting on behalf of counter-defendant] [signature, if applicable, of person acting on behalf of Counter-Defendant] my property is not reparrian to the. Creek and is included in error -11 2636 Irene Way Bishop, [address] 760) 873-8023 [telephone number] 

DISCLAIMER OF WATER RIGHTS AND MOTICE OF RELATED INFORMATION, page 4 of 4

Katic Quinlan 2636 Irene Way Bishop, CA 93514

9612+1096

950/

Linda Lea Sharek Clert Depty Clerk
United States District Burt for the AST on W
HOD South Virgina Street, Scite 301

MODAVE CA

water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once 1 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of 2 Summons or by a Notice in Lieu of Summons, the undersigned provides the following 3 additional information: The name and address of the party or parties who sold or otherwis 5 1. 6 CTSHID: Name(s): Timothy B. Tiernan i Katherine J Quinlan 7 Tustees for the Quinlan /Tiernan Family Trust 8 9 Street or P.O. Box: 2636 Irene Way uwners of: 10 Lot II in Black A 11 of the Virgina Lakes Town or City: 12 Bishup Subdivisión No. 3 in NE 1/4 Sect 7, SE 1/4, SE 1/4 SEC 6 8. 13 State: SW14 SW14 Sec 5 TIZN, R. 25 14 CA m. D. B. 8.M 15 mono County, CA Zip Code: 93514 16 The name and address of each person or entity who acquired ownership 17 18 Name(s): 19 20 21 Street or P.O. Box: 22 23 Town or City: 24 25 State: 26 27 Zip Code: 28 DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 2 of 4

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page

[name, if applicable, of person acting on behalf of counter-defendant] [signature, if applicable, of person acting on behalf of Counter-Defendant] my property is not operian to the. Creek and is included in error .11 2636 Irene Way Bishop, [address] 7601 873-8023 [telephone number] 

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of 4

Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/21/13 Page 15 of 56

U.S. Department of Justice

ENV E NA THE STICE DENVER VER PROPERTY and Natural Resources Division

90-6-2-86

Denver Field Office 999 18th Street South Terrace, Suite370 Denver, CO 80202 2012 DEC 31 PM 2: 17

Telephone (303) 844-1348 Facsimile (303) 844-1350

December 12, 2012

Re: United States v Walker River Irrigation Dist., et al., In Equity No. C-125; Subfile C-125-B

Dear Defendant: I do-+ own property!!!

You are receiving this package because the U.S. District Court of Nevada has determined that owners of property with dormant riparian rights in California should be joined to this on-going case. Please review the contents of this package carefully.

Recently, the State of California and Mono County asserted that dormant (unexercised) surface riparian rights are real and substantial rights in the State of California. As a result, the Court has determined that holders of these rights should be joined in this proceeding under category 3b of the enclosed Case Management Order.

You may be one of several persons and entities who were previously served in this case and then dismissed because the Court determined that your water uses do not fit within the categories of persons and entities to be served in this case. Although the Order dismissing you from this case noted that you may be joined at a later time, we did not think such a determination would be made this quickly and regret any confusion or inconvenience to you.

If you have any questions, please contact me, <sup>1</sup> Michael W. Neville, Deputy Attorney General for the State of California [(415) 703-5523, <u>Michael.Neville@doj.ca.gov</u>] or Stacey Simon, Assistant County Counsel, Mono County, California [(760) 924-1700, <u>ssimon@mono.ca.gov</u>].

Hey:
John town!

This property!

Exclused find the!

Stop Sendy

Sincerely,

Susan L. Schneider, Trial Attorney

Susan I Schned

US Department of Justice

999 18<sup>th</sup> Street

South Terrace - Suite 370

Denver, CO 80202

(303) 844-1348

susan.schneider@usdoj.gov

After January 3, 2012, please contact Attorney Andrew Guarino at (303) 844-1343 or gus.guarino@usdoj.gov...

United States in writing of that fact. 1 If such person or entity sold or otherwise conveyed ownership of all of the water 2 rights that the person or entity once owned before they were served or otherwise brought into this action, in addition to disclaiming any interest in this action, they shall include a notice 4 providing the following information: 5 The name and address of the person or entity who sold or otherwise 6 conveyed ownership; The name and address of each person or entity who acquired ownership; 7 8 A copy of the deed, court order or other document by which the change 9 in ownership was accomplished. The disclaimer and notice shall be sent to the Court and counsel for the United 10 3. 11 States, addressed as follows: 12 Linda Lea Sharer, Chief Deputy Clerk United States District Court for the District of Nevada 13 400 South Virginia Street, Suite 301 Susan L. Schneider Reno, NV 895501 14 United States Department of Justice Susan L. Schneider 999 18th Street 15 United States Department of Justice South Terrace - Suite 370 P.O. Box 756 Denver, CO 80202 16 Littleton, CO 80160 The form and substance of the disclaimer and notice shall substantially conform 17 18 to the form attached to this Order as Exhibit A. Following their receipt from any person or entity disclaiming any interest in any 19 5. 20 6. Category 3.f.: All holders of "vested rights" to the use of groundwater under the laws 21 of the State of Nevada within the Walker River Basin. 22 7. Category 3.g.: All municipal providers in Nevada within the Walker River Basin 23 who currently use groundwater. 24 8. Category 3.h.: All municipal providers in California within the Walker River Basin 25 who currently use groundwater. 26 9. Category 3.i.: All industrial users in Nevada within the Walker River Basin who 27 currently use groundwater. 28 ORDER - DISCLAIMER OF INTEREST, page 3 of 4

# Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/21/13 Page 17 of 56

SERVING INYO AND MONO COUNTIES U.S. DEPT. OF JUSTICE ENV. & NAT. RES. DIV. DENVER. CO

#### INYO-MONO TITLE COMPANY

2012 DEC 31 PM 2: 18

873 NORTH MAIN STREET **BISHOP, CA 93514** PHONE: (760) 873-5821 FAX: (760) 873-7804

JULY 23, 2012

**KELLY RAE** PO BOX 5333 **RENO, NV 89513** 

RE:

**ESCROW NO. 135042** 

YOUR REFERENCE: 2035 SWAUGER CREEK ROAD BRIDGEPORT CA 93517

IN CONNECTION WITH THE ABOVE TRANSACTION, WE ENCLOSE:

ESCROW CLOSING STATEMENT

OUR CHECK DUE TO YOU FOR PROCEEDS AND/OR REFUND WAS WIRED PER YOUR INSTRUCTIONS

ANY RECORDED DOCUMENTS TO WHICH YOU ARE ENTITLED WILL BE FORWARDED.

THANK YOU FOR GIVING US THE OPPORTUNITY OF SERVING YOU.

INYO-MONO TITLE COMPANY

CHRIS CORTEZ, ESCROW-OFFICER



# Inyo-Mono 2012 DEC 31 PM 2: 18 Title Company

# Seller Settlement Statement

Folder Number: 135042

Settlement Date: 07/23/12	Disbursement Date: 07/23/12	Final
Name and Address of Buyer(s):	BRETT EMERY and DAWNE EMERY PO BOX 758 BRIDGEPORT, CA 93517	sļ
Name, Address of Seller(s):	KELLY RAE PO BOX 5333 RENO, NV 89513	1222-224-244- H. (8) (8 H. 12)
Property Location(s):	2035 SWAUGER CREEK ROAD BRIDGEPORT, CA 93517	
Settlement Agent:	INYO-MONO TITLE COMPANY 873 NORTH MAIN STREET BISHOP, CA 93514 Contact: CHRIS CORTEZ at (760)873-5821	

Settlement Agent:	INYO-MONO TITLE COMPANY 873 NORTH MAIN STREET BISHOP, CA 93514 Contact: CHRIS CORTEZ at (760)873	3-5821		
Des	scription	(POC)	Seller Debit	Seller Credit
				315,111.00
PRORATION(S)/OFFSET(S)			7779-07 1134 1	
County Tax Proration			174.58	
07/01/12 to 07/23/12 (22 days)				
PAYOFF(S)				
GMAC MORTGAGE, LLC			151,714.31	
Principal	\$151,064.32			
Interest	\$551.49	•		
to 07/27/12				
Statement Fee	\$30.00			
to GMAC MORTGAGE, LLC				
Recording Fee(s)	\$16.00			
to GMAC MORTGAGE, LLC				
Reconveyance Fee	\$45.00			
to GMAC MORTGAGE, LLC	Page schoolings			
Wiring Fee	\$7.50			
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GOVERNMENT RECORDING AND	TRANSFER CHARGES			
City/County Tax/Stamps			347.05	25
Deed			J41,00	<b>EXHIBIT 233</b>

# Case 3:73-cv-00127-MMD-CSD Document 4 File doll 1200 4103 Page 19 of 56

Recording Requested By: GMAC MORTGAGE, LLC

When Recorded Return To: Current Trustor: KELLY RAE PO BOX 5333 RENO, NV 89513 Page 1 of 1
Date: 8/7/2012 02:00P
Filed by: 6MAC MORTGAGE CORP.
Filed & Recorded in Official Records
of MONO COUNTY
LYNDA ROBERTS
CLERK-RECORDER
Fee: \$8.60



**FULL RECONVEYANCE** 

GMAC MORTGAGE, LLC #:0551577109 "RAE" Lender ID:10025/1692996515 Mono, California PIF: 07/23/2012 MERS #: 100037505515771098 SIS #: 1-888-679-6377

Prepared By: Bulk, GMAC MORTGAGE, LLC 3451 HAMMOND AVENUE, PO BOX 780, WATERLOO, IA 50704-0780 1-800-766-4622

EXECUTIVE TRUSTEE SERVICES, LLC as present Trustee for the Deed of Trust executed by KELLY RAE as Trustor(s), Dated: 09/10/2003 Recorded: 09/17/2003 in Book/Reel/Liber: NA Page/Folio: NA as Instrument No.: 2003010201 of official Records in the office of the County Recorder of Mono, California having been requested in writing, by the holder of the obligations secured by said Deed of Trust, to reconvey the estate granted to trustee under said Deed of Trust, does hereby reconvey to the person or persons legally entitled thereto, without warranty, all the estate, title and interest acquired by Trustee under said Deed of Trust.

Parcel No. 007030011000

IN WITNESS WHEREOF, EXECUTIVE TRUSTEE SERVICES, LLC as the Trustee has caused its corporate name to be affixed by a duly authorized officer on the date shown in the acknowledgment certificate below:

By: EXECUTIVE TRUSTEE SERVICES, LLC as Trustee

BRANDI PECENKA, AUTHORIZED OFFICER

STATE OF lowa

**COUNTY OF Black Hawk** 

On \_\_\_\_\_\_, before me D. STOREY Notary Public, personally appeared BRANDI PECENKA, AUTHORIZED OFFICER, to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/they voluntary act and deed.

WITNESS my hand and official seal,

D. STOREY Notary Expires: 09/27/2014 #769870

D. STOREY
COMMISSION NO. 769870
MY COMMISSION EXPIRES
September 27, 2014

(This area for notarial seal)

Casa	ase 3:73-cv-00127-RCJ-WGC Document A3-cv-00127-MIVID-CSD Document	. 1894    Filed 06/17/13    Page 1 of 4 ment 4    Filed  11/21/13 <del>Page  20</del> i of 56
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		COUNSEL/PARTIES OF RECORD
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	2	TOURS TOTAL COURT
	3 IN THE UNITED ST	ATES DISTRICT ASSAULT OF NEVADA
	FOR THE DIST	TRICT OF NEVADA DEPUTY
•	4	DI.
	UNITED STATES OF AMERICA,	)
	5	)
	6 Plaintiff,	). In Equity No. C-125-ECR
		) Subfile No. C-125-B
	7 WALKER RIVER PAIUTE TRIBE,	)
		) DISCLAIMER OF INTEREST IN
0.40	Plaintiff-Intervenor,	WATER RIGHTS AND NOTICE OF
	9	) RELATED INFORMATION AND
	v.	DOCUMENTATION SUPPORTING
3	.0	) DISCLAIMER
×	WALKER RIVER IRRIGATION	<b>(</b>
د	DISTRICT,	,
1	a corporation, et al.,	,
	Defendants.	,
1	Defendants.	<b>)</b>
	4	
		:6
	15	the above action hereby notifies the Court and the
•	United States that the undersigned (or the er	ntity on whose behalf the undersigned is acting) has
9	no interest in any water right within the cate	
	Management Order (Apr. 18, 2000) and, the	erefore, disclaims all interest in this action.
	101:	
\$	This disclaimer and notice shall be se	nt to the following two persons:
	20	Service Control of the Control of th
	Linda Lea Sharer, Chief Dep	outy Clerk
27	United States District Court	for the District of Nevada
	22 400 South Virginia Street, S	uite 301
*1	Reno, NV 89501	
	And And	
	24	Susan L. Schneider
	Susan L. Schneider	United States Department of Justice
•	United States Department of	
	l	South Terrace - Suite 370
	26 P.O. Box 756  Littleton, CO 80160	Denver, CO 80202
	In addition, because the undersigned	sold or otherwise conveyed ownership of all of the
	28	· · · · · · · · · · · · · · · · · · ·
	DESCRIPTION OF MARKE PIGHTS AND NOT	FICE OF RELATED INFORMATION, page 1 of 4
	DISCHARGE OF ANTER STREET WAS NOT	

water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once 1 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of 2 Summons or by a Notice in Lieu of Summons, the undersigned provides the following 3 additional information: 5 The name and address of the party or parties who sold or otherwise conveyed 1. 6 ownership: This property was not sold. I do not have any water rights 7 Name(s): 8 9 Street or P.O. Box There is no surface water on my proper 10 11 Town or City: 12 13 State: 14 15 Zip Code: 16 The name and address of each person or entity who acquired ownership 2. 17 18 Name(s): 19 20 21 Street or P.O. Box: 22 23 Town or City: 24 25 State: 26 27 Zip Code: 28 RIGHTS AND NOTICE OF RELATED INFORMATION, page 2 of 4

ı	
1	
2	3. Attached to or included with this notice is a copy of the (check appropriate
3	
4	box(es)):
5	en e
6	Decd .
7	Court Order
8	Other Document.
9	* .
10	by which the change in ownership was accomplished.
	4. The undersigned acknowledges that any person or entity who files a Disclaimer
11	of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
12	the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but,
13	in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
14	this litigation.
15	
16	Executed this 13 day of June 20 13.
17	
18	
19	
20	1-1 R Cd
21	[Signature of counter-defendant]
22	
23	
24	
25	
26	[name of counter-defendant]
2	JoAnn Reinwald
2	
	DISCLATMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 3 of 4

[name, if applicable, of person acting on of counter-defendant] [signature, if applicable, of person acting on behalf of Counter-Defendant] Owner John Runwood 199 Charley Day Dr. Bridgiport CA. 93517 PO. BOX 564 [address] [telephone number] 760-9320097 Lot #1 Portion Twin Lakes Subdivision
Parcel # 10=3209 Lot # 14 North Portion Twin Lakes Subdivisie Zoned R-1 Parcel # 1033208 

DISCLATMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of 4

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12-18-2012

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

## Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

11	ig .tr	Susan L. Roblins
Date: 12/18/2012		Signature
• •	*	Susan L. Robbins
		Printed/Typed Name
i Tan		If you are acting on behalf of any entity, identify that you are
a war an A	8. 2	acting as:of
	<i></i>	(Title)
	*	
¥ <sub>0</sub>		(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date:	1/7/13	5 5	Signature Company of the Company of
	4		Clark O. Roberts
			Printed/Typed Name
	* 8 9		If you are acting on behalf of any entity, identify that you are
		20 12	acting as:of
10 10	2 t		(Title)
ě	9 8	16 10	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

EXHIBIT 238

# Case 3:79-3730072127/11/11/129DPDWOGNAMART4 FIRE @11/11/21/1998ag6228 of 56

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1	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection
2	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec
3	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
4	5. If I (or the entity on whose behalf I am acting) have retained an attorney to
5	represent me in these proceedings, I identify that attorney below, along with his or her mailing
	address, telephone number, facsimile number, and e-mail address:
6	Attorney:
7	Address:
8	
9	
10	Phone Number:
11	Fax Number:
12	E-mail Address:
13	
14	<u>PLEASE NOTE:</u> Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.
15	· ·
16	"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall
17	register as Filing Users of the System. Registration shall be in the form prescribed by
A5 22	the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.
18	
19	(Signature)
20	
21	(Printed or typed Name)
22	
23	
24	(Entity, if any, on whose
25	behalf you are appearing)
26	2772 Cunning ham Lu.
27	(Address)
	(760) 616 - 4063
28	(Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

**EXHIBIT 238** 

Case 3173-cv-00127-MMD-CSD Document 4 Filed 11/21/13 Page 29 6156 U.S. DEPT. OF JUSTICE DENYER, CO 1 2 IN THE UNITED STATES DISTRICT COURT 3 FOR THE DISTRICT OF NEVADA 4 UNITED STATES OF AMERICA, 5 In Equity No. C-125-ECR Plaintiff, Subfile No. C-125-B 6 WALKER RIVER PAIUTE TRIBE, DISCLAIMER OF INTEREST IN 7 WATER RIGHTS AND NOTICE OF Plaintiff-Intervenor, 8 RELATED INFORMATION AND DOCUMENTATION SUPPORTING 9 DISCLAIMER 10 WALKER RIVER IRRIGATION 11 DISTRICT, a corporation, et al., 12 Defendants. 13 14 The undersigned counter-defendant in the above action hereby notifies the Court and the 15 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has 16 no interest in any water right within the categories set forth in Paragraph 3 of the Case 17 Management Order (Apr. 18, 2000) and, therefore, disclaims all interest in this action. 18 This disclaimer and notice shall be sent to the following two persons: 19 20 Linda Lea Sharer, Chief Deputy Clerk United States District Court for the District of Nevada 21 400 South Virginia Street, Suite 301 22 Reno, NV 89501 23 And Susan L. Schneider 24 United States Department of Justice Susan L. Schneider 999 18th Street 25 United States Department of Justice South Terrace - Suite 370 P.O. Box 756 26 Denver, CO 80202 Littleton, CO 80160 In addition, because the undersigned sold or otherwise conveyed ownership of all of the 27 28 DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

Case 3:73-cv-00127 MMD-030 Document 7 Filed 11/21/13 Page 30 of 56 that I am desorte YCMA never owned AWARE OF water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once 1 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons, the undersigned provides the following 4 additional information: The name and address of the party or parties who sold or otherwise conveyed 5 6 ownership: 7 Name(s): 8 9 Street or P.O. Box: 10 11 Town or City: 12 13 14 15 Zip Code: The name and address of each person or entity who acquired ownership 16 17 18 Name(s): 19 20 21 Street or P.O. Box: 22 23 Town or City: 24 25 State: 26 27 Zip Code: 28 DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 2 of 4

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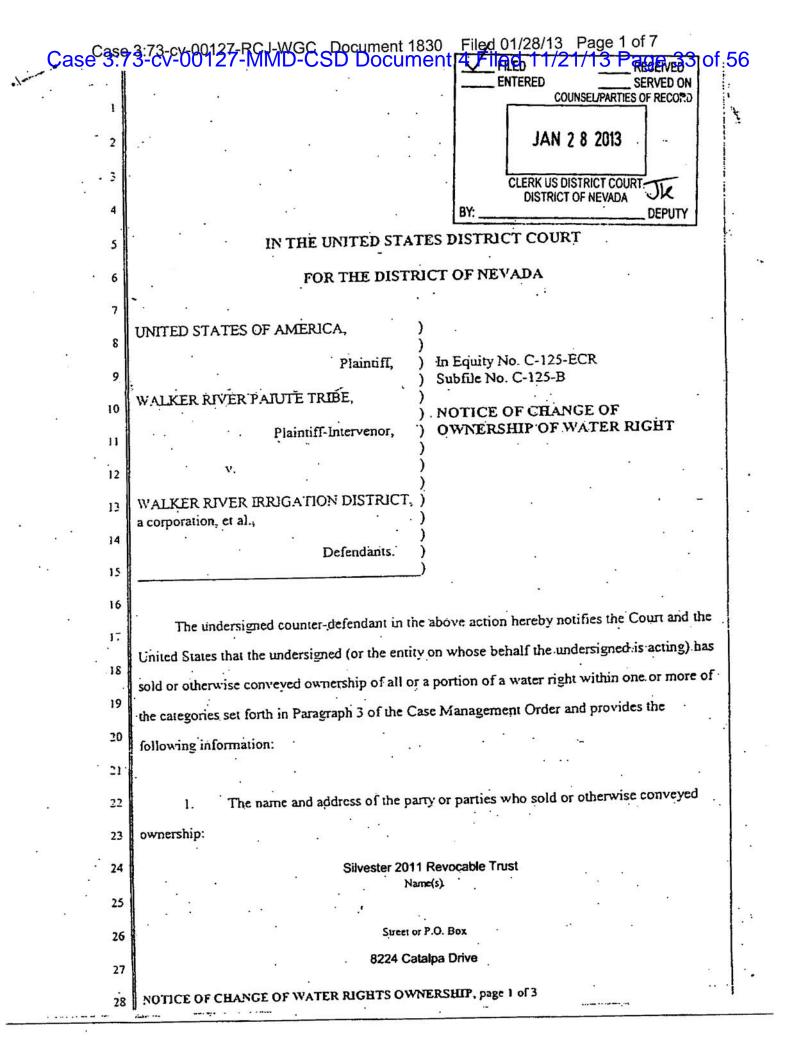
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7		9.7	Ц					
8			. 🗆	Other Document.	9	•	W 9	
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9	by	which the ch	ange in own	ership was accomp	lished.			
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1	5 th	nis litigation.	et.					
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# Case 3,73-cv-00127-MMD-CSD Document 4 Filed 11/21/13 Page 32 of 56

[name, if applicable, of person acting on behalf of counter-defendant] [signature, if applicable, of person acting on behalf of Counter-Defendant] .11 [address] 1850 Smoke Tree Lang Palm Spring, CA 92264 [telephone number] 760 323 1207 

WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of 4

DISCLAIMER OF



# 

. 1		, (	Citrus Heights	CA	95810	
2		· T	own or Ciry	State	ZipCode	15
3	2.	The name a	nd address of ea	ach person or e	entity who acquired	d ownership
4			Robe	ert J Brandt		
	•			Name(s)	•	14
2			218_0	Claxton Road	•	•
6	1		Str	reet or P.O. Box		
7		S	Star Valley	AZ	85541	a <b>r</b> 5
1	ł	То	wn or City	State	ZipCode	
8		8•. 1				
9	3.	Attached to	or included with	n this notice is	a copy of the (che	ck appropriate
	box(es)):			e.		*
10		. <b>IX</b> IX	Deed			
11		٥	Court Order			
12			Other Documen	nt	•	<b>3</b> •
.13	by which the	change in own		(4) 4		
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14	C1		•		erson or entity who	
15	1		5777 (9)			ole for the accuracy
16	of this filing.	Consequently,	the undersigne	d acknowledg	ges that any person	or entity who files
		* *				
17.	j (**) E	•	*	023		70 - 2
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19	,2		- 		#: 47	
"	•	This no	otice shall be sen	it to the following	ng two persons:	*
20		Linda Lea Char	er, Chief Deputy	. Clid		
21	20 D	United States E	District Court for	the District of	Nevada	**************************************
I	×	400 South Virg Reno, NV 8950	inia Street, Suite	: 301		6.
22	76	And .		380 380		
23		<u> </u>		**	828	500 He F 50
- 11						
24		Susan L. Schoo		19.1	L. Schneider	C
24		United States D	ider Cparunent of Jus	stice United	L. Schneider States Department of th Street	f Justice
24	<b></b>		eparunent of Jus	United 999 18t South T	States Department of th Street Ferrace - Suite 370	f Justice
.		United States D P.O. Dox 756	eparunent of Jus	United 999 18t South T	States Department of th Street	f Justice
25 26		United States D P.O. Dox 756	eparunent of Jus	United 999 18t South T	States Department of th Street Ferrace - Suite 370	f Justice
25 26 27		United States D P.O. Dox 756	30160	Stice United 999 18t South T Denver	States Department of th Street Ferrace - Suite 370 -, CO 80202	f Justice

#### 7-RCJ-WGC Document 1830 Filed 01/28/13 Page 3 of 7 7-MMD-CSD Document 4 Filed 11/21/13 Page 35 of 56 such a notice, but retains such water rights, shall nevertheless, be bound by the results of this 2 litigation. 3 day of January 20 13. Executed this 5 6 7 [signature of counter-defendant] 8 9 Silvester 2011 Revocable Trust by William R. Brandt, Successor Trustee 10 [name of counter-defendant] 11 12 [signature, if applicable, of person acting on 13 behalf of counter-defendant] 14 15 [name, if applicable, of person acting on 16 behalf of counter-defendant] 17 18 4582 Blackwell Rd 19 Oceanside, CA 92506 20 [address]. 760-414-9587 21 [telephone number] 22 23 24 25 26 27

# - Case 3:393-3:73 600 102127 NROLD USS DP Drumant 1890 4 1Flipted 1/128/231 / 1P3g Pages 36 of 56

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

DONALD E. BRODEUR, ESQ. Murphy Austin Adams Schoenfeld LLP 304 "S" Street Sacramento, CA 95811-6906

MAIL TAX STATEMENTS TO:

Robert J. Brandt 218 Claxton Road Star Valley, AZ 85541

Doc # 2012001755 Page 1 of 4 Nate: 4/2/2012 03:33P Filed by: GENERAL PUBLIC Filed & Recorded in Official Records of MOND COUNTY LYXOA ROBERTS CLERK-RECORDER Fee: \$27.88

Documentary Transfer Tax: NONE No Consideration; No Sale Also - See Note 1 Below The Undersigned Grantor So States

#### QUITCLAIM DEED

WILLIAM R. BRANDT, Successor Trustee of the SILVESTER 2011 REVOCABLE TRUST, established March 14, 2011, hereby quitclaims to ROBERT J. BRANDT, all of the Trust's right, title and interest as to an undivided one-half (1/2) interest in the real property situated in the County of Mono, State of California, more particularly described as follows:

> SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

APN:

002-020-007-000

Commonly known as: 1570 Cunningham Lane, Coleville, CA 96107

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

SILVESTER 2011 REVOCABLE TRUST, established March 14, 2011

DATED: 02, 17 , 2012.

William R. Brandt. Successor Trustee

STATE OF CALIFORNIA

) SS.

COUNTY OF SAN LUIS OBISPO)

On Feb. 17, 2012, before me, Casey Mayable, a notary public, personally appeared WILLIAM R. BRANDT, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

CASEY MAYVILLE
Commission # 1900929
Notary Public - California
San Luis Obispo County
My Comm. Expires Aug 22, 2014

Signature

(Seal)

Note 1: This conveyance is from a trust (the Silvester 2011 Revocable Trust) to the beneficiary of the trust on the death of the Trustor and not pursuant to a sale and is exempt from Documentary Transfer Tax as a bona fide testamentary gift pursuant to Revenue and Taxation Code § 11911.

Exhibit A to the Quitclaim Deed

#### Legal Description

That certain real property situated in the County of Mono, State of California, described as follows:

All that portion lying within Sections 5 and 6, Township 8 North Range 23 East, M.D.B. & M., according to the official plat thereof, more particularly described as follows:

Commencing at a point 300 feet due South from the corner common to Sections 31 & 32, Township 9 North Range 23 East and Sections 5 & 6, Township 8 North Range 23 East, M.D.B.&M.; thence running due West 100 feet more or less to a point on the West side of the 69 Ranch Road, which is the True Point of Beginning; thence Southerly, along the West side line of said road 1,000 feet more or less to a point on the West side of said road, at said point there is an East-West fence and cattle guard; thence running due West 300 feet more or less to a point on the West boundary fence of said 69 Ranch; thence running Northerly along said West Boundary line fence 1,000 feet more or less to a point in said fence that is due West of said true point of beginning; thence due East 200 feet more or less to the True Point of Beginning.

Assessor's Parcel Number: 002-020-007-000

Commonly known as: 1570 Cunningham Lane, Coleville, CA 96107

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125. Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date:	111/13	Signature Covolar J Treenson	
60		Printed/Typed Name	
	e e e	If you are acting on behalf of any entity, identify the acting as:	nat you are
- ( t)	250 250	(Title)	
	e e	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

se as	3:73-cv-00127-RCI-WGC. Document 1835 Filed 02/11/13  Page 1 014 73-cv-00127-MMD-CSD Document 4 Filed 11/2 <u>1/13 Page 41-</u> of 56
1	FILEDRECEIVED
ļ	ENTERED SERVED ON COUNSEL/PARTIES OF RECORD
- 1	333333
1	FEB 1 1 2012
2	
· . }	IN THE UNITED STATES DISTRICT COURT
3	FOR THE DISTRICT OF MEVADA DISTRICT OF DEPUTY
4	BY:
5	UNITED STATES OF AMERICA,
_	Plaintiff, ). In Equity No. C-125-ECR
6	) Subfile No. C-125-B
7	WALKER RIVER PAIUTE TRIBE, ) DISCLAIMER OF INTEREST IN
8	Plaintiff Intervenor ) WATER RIGHTS AND NOTICE OF
, j	) BELATED INFORMATION AND
9	) DOCUMENTATION SUPPORTING ) DISCLAIMER
10	
iı	WALKER RIVER IRRIGATION ) DISTRICT, )
	a corporation, et al.,
12	Defendants. )
. 13	Derendants.
14	
15	hereby potifies the Court and the
	The undersigned counter-defendant in the above action hereby notifies the Court and the
16	United States that the undersigned (or the entity on whose behalf the undersigned is acting) has
17	no interest in any water right within the categories set forth in Paragraph 3 of the Case
. 18	no interest in any water right within the form disclaims all interest in this action.
	Management Order (Apr. 18, 2000) and, disciolot, disciolot, disciolot,
19	This disclaimer and notice shall be sent to the following two persons:
20	
21	Linda Lea Sharer, Chief Deputy Clerk United States District Court for the District of Nevada
	Il Compat Cuite 301
.22	Reno, NV 89501
23	And
24	Sugan I. Schneider
	Susan L. Schneider United States Department of Justice
25	South Terrace - Suite 370
26	P.O. Box 756 South Terrace - Suite 370 Littleton, CO 80160 Denver, CO 80202
27	Introduction of the second of
28	
. 20	DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4
157/47	DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, PAGE

water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons, the undersigned provides the following additional information: 5 The name and address of the party or parties who sold or otherwise conveyed 6 ownership: 7 Carolyn J. Tiernan 8 Owner of: Lot II in Block A of Street or P.O. Box: 1417 Bear Creek Dr 9 10 11 Town or City: Bishop subdivision 12 No 3 in NE 1/4 Sect 7, SE 1/4, SE 1/4 Sect. 6,8 13 State: 14 SW 1/4 SW 1/4 Sect S T. 2N., R 2SE, MO, B.B.M 15 93514 Zip Code: 16 The name and address of each person or entity who acquired ownership CA 17 18 Name(s): 19 20 21 Street or P.O. Box: 22 23 Town or City: 24 25 State: 26 27 Zip Code: 28

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 2 of 4

1	and the contract of the contra
1	
2	<ol> <li>Attached to or included with this notice is a copy of the (check appropriate</li> </ol>
3.	
4	box(es)):
. 5	☐ Deced
6	Court Order
7	Other Document.
8	Contraction of the contraction o
9	
10	by which the change in ownership was accomplished.  4. The undersigned acknowledges that any person or entity who files a Disclaimer
1,1	of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
12	of Interest in this matter is ultimately responsible for the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but,
13	the undersigned acknowledges that any person of carry in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
14	
15	this litigation.
16	Executed this 6th day of Feb 2013.
17	Executed this day of
18	
19	Cary 9 Tur
20	
23	[signature of counter-defendant]
23	
2	Carolyn J. Tiernan
2	. 1
2	[name of counter-defendant]
2	
2	7
. 2	8
٠.	DISCLATMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 3 of 4

[name, if applicable, of person acting on behalf of counter-defendant] [signature, if applicable, of person acting on behalf of Counter-Defendant] My property is not riparian to the creek and is included in error .11 [address] 1417 Bear Creek Bishop, Cr [telephone number] 760 873-4563 

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of 4

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 1-3-2013

Signature

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# TO: Susan L. Schmeider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 17-77-17

Signature

Pennis H Vangy & C

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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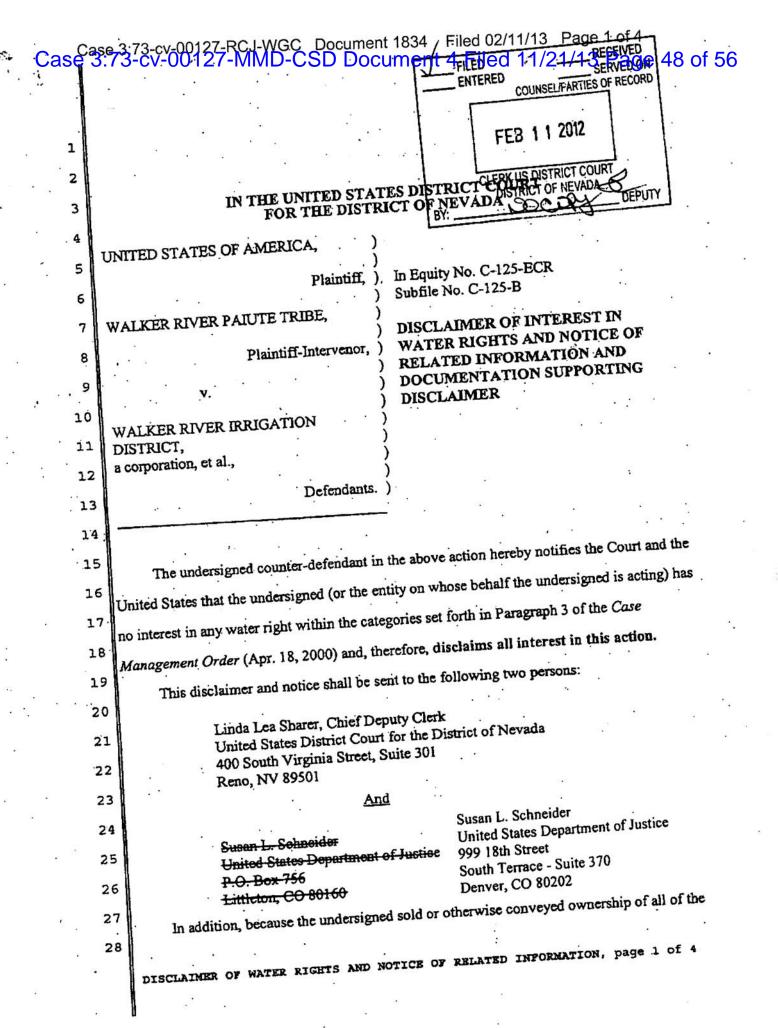
rh ha		John D. Wehause	
Date: 1/11/12		Signature D. Wehausen	
		Printed/Typed Name	21
		If you are acting on behalf of any entity, identify that y	ou are
	49	acting as:	of
	9 1	(Title)	
		(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Service of Notice in Lieu of 2 Summons or by a Notice in Lieu of Summons, the undersigned provides the following additional information: The name and address of the party. 6 neeship: Name(s): John D. Wehausen 7 8 Street or P.O. Box: 1417 Bear Creek Or 9 10 11 Town or City: Bishup 12 13 No 3 in NE 14 Sect 7, 5E14 14 SE 1/4 Sect. 6 8, SW/4 SW/4 Sect. 5 T. 2N., R. 25E, M.D. B.B. M 15 16 The name and address of each person or entity 17 18 Name(s): 19 20 21 Street or P.O. Box: 22 23 Town or City: 24 25 State: 26 27 Zip Code: 28 WATER RIGHTS AND NOTICE OF RELATED INFORMATION,

1	
1	Cal- (check appropriate
2	3. Attached to or included with this notice is a copy of the (check appropriate
3 1 .	
box(e:	5))·
5	Decel .
6	- Order
7	Other Document.
в .	Giner Document
11 .	lished
by w	thich the change in ownership was accomplished.  4. The undersigned acknowledges that any person or entity who files a Disclaimer
10	4. The undersigned acknowledges that any person of this filing. Consequently,
11 of l	4. The undersigned acknowledges that any persons of this filing. Consequently, interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
in	undersigned acknowledges that any person of chits, was undersigned acknowledges that any person of chits, water rights subject to this litigation, shall nevertheless be bound by the results of fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
	s litigation.
15	
16	Executed this 6th day of Cebruar 2013.
17.	Excustor
18	
19	Sl D Wilheum
20	John D Wehausen
21	[signature of counter-defendant]
22	
. 23	
24	
25	[name of counter-defendant]
. 26	
27	
11±17	
. 28	OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 3 of 4
	DISCLAIMER OF WATER RIGHTS

3.

[name, if applicable, of person acting on behalf of counter-defendant]

[signature, if applicable, of person acting on behalf of Counter-Defendant]

My property is not riparian to the creek and is included in error

[address]
1417 Bear Creek Dr.
Bishop CA 93574
[telephone number]
760 973-4563

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of 4

# Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/21/13 Page 52 of 56

Index No Fin 589	nty No.	Claim No. User # 221	Ditch West Hyland
WALKER RIVER IRRIGATION DISTRICT YERINGTON, NEVADA	Water Right Owner:	John L. & Elizabeth J. Bryan Address:	898 W. Goldfield Ave. Yerington NV 89447
+	5880	oc	
Division #: 1	Card #:	Name:	Address:

10.000	10.000	000		15.440											
TOTAL ACRES	Water Rt. Acres	Non Wtr Rt. Acres		Acre Feet Storage		000 - Fuchs									
CLAIM#						om card #18	ess								
BRIDGEPORT RES. ACRE FEET		4.79			ĝ	05/29/03 - Transferred from card #18000 - Fuchs	03/14/12 - Changed Address							Loint Tononte	JOINT LEITAINS
TOPAZ RES. ACRE FEET		10.65			COMMENTS	05/29/03	03/14/12							3	and wire as
ACRE FEET APPORTIONED		15.44									to Sierra Pacific Power Company.	ä.	9.		L. & Elizabeth J. Bryan, husband and wire as John Tenanis
REQUIRED	15.440	15.440									Sierra Pacific	to Lands of Sierra.	Lands of Sierra to Nevada Department of Wildlife.	garet Fuchs.	& Elizabeth J.
ACRE FEET REQUIRED PER ACRE TOT	1.5444					MINISTER COMPANIES				A 100 100 100 100 100 100 100 100 100 10	Elizabeth Fitting & Paul Fitting to	Sierra Pacific Power Company to	Vevada Depart	Lands of Sierra to Hans & Margar	Han & Margaret Fuchs to John L.
DAYS	r.	3								NO	h Fitting &	acific Powe	f Sierra to	f Sierra to	largaret Fu
FACTOR	2 2076	9.4010								DESCRIPTION	Elizabet	Sierra P	Lands o	Lands	Han & N
ACRES	000 07	10.000	10.000				35;			DATE	12/06/63	07/07/64	02/19/70	06/30/77	04/11/03
SES						ON:	Fr. NE 1/4 of NE 1/4, Sec. 35; T 15 N, R 25 E.		JRY:						
VIII		IEWL	TOTAL			GAL DESCRIPTION:	r. NE 1/4 of NE 1 T 15 N, R 25 E.	Map #68	OCUMENT HISTORY:	CUMENT#	46.402	107-205	#01324	#22030	4004222

#### -CSD Document 4 Filed 11/21/13 Page 53 of 56 Case 3:73-cv-

100

Lots 1 & 5, Cardinelli Sub. Fr. NE 1/4 of SE 1/4, Fr. SE 1/4 of NE 1/4, Sec. 11; T 12 N, R 25 E.

WALKER RIVER IRRIGATION DISTRICT YERINGTON, NEVADA

Fm 89A 1228103

Lyon County No.

Claim No. User# Ditch

Index No.

1758 Hall

Water Right Owner:

7

Division #:

Card #: Name:

Address: 681344221 Paul Kent & Shelley Carlin 빌 8225 Boyd St. Omaha NI

Address:

O. & M. Local No. 3

1,410		Water Rt. Acres	OOO TOTAL	Non Wil Ki. Acies	Acre Feet Storage 2.900			Suard	
	CLAIM #	Wat		Non	Acr			752 - Kiernan & C	S
Ś	ACRE FEET C		2.90					Transferred from card #27752 - Kiernan & Guard	03/14/12 - Changed Address
TOPAZ RES. E	ACRE FEET		00:			700000000000000000000000000000000000000	COMMENTS:	Transferr	03/14/12 -
ACRE FEET	APPORTIONED		2.90						
SEGUIRED	TOTAL	2.900	2 900	2001					の対象を
ACRE FEET REQUIRED	PER ACRE	2.0592					17 15 NEW.		70
DAVe.	STORAGE	u u	3					A SERVICE SOLVE	
	FACTOR	4 2768	4.4100		ė		10000		
	ACRES	077,	014.1	1.410					
	C.F.S.							:NC	1.0
	PRIORITY		NEWL	TOTAL				LEGAL DESCRIPTION:	

DOCUMENT HISTORY:		
DOCUMENT# DATE		
08/31/77	1177 Burton & Reta Taylor to Ken & Nancy Romans.	
08/31/77		
08/30/79	30/79 Ken & Nancy Romans to Mary E. Smith.	
12/24/79	t	
01/03/85	+	
11/04/85	t	
03/19/87		stro Kioman Family Trust dated 05/01/95.
06/04/97	104/97 Trustees Deed upon sale to James P. & Susan K. Kiernan, Co-Trustees of the Meridan Family Trust of Guard 1.1d., a Nevada Limited Partnership, an undivided 1/2 interest.	of the Nethan Family 1183, date.
10/01/97		A County I to a Nevada Limited Partnership to Paul Kent Carlin &
10/01/97		and Guard Lid. a recease a market

### Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/21/13 Page 54 of 56

48-D 1423114 963 West Hyland	8.250	8.250	000.	12.740					
Index No. Lyon County No. Claim No. User # Ditch	TOTAL ACRES	Water Rt. Acres	Non Wtr Rt. Acres	Acre Feet Storage		800 - W. Giles			
	CLAIM#					om card #19 ged			
	BRIDGEPORT RES. ACRE FEET		4.00		S:	Map No. bo 12/18/02 - Transferred from card #19800 - W. Giles 05/17/12 - Address Changed			
STRICT	TOPAZ RES.		8.74		COMMENTS:	Map No. 55 12/18/02 - T 05/17/12 - A			
RIVER IRRIGATION DIS YERINGTON, NEVADA ner: O. & M. Local No. 2	ACRE FEET	AFFORME	12.74						R Giles
WALKER RIVER IRRIGATION DISTRICT YERINGTON, NEVADA r Right Owner: sss: O. & M. Local No. 2	REQUIRED	12.740	12.740	15 25 15 5					B. & Mildred Lee.
WALKER RIN YER Water Right Owner: Address: O.	ACRE FEET REQUIRED	1.5444							s to Roger B. &
	DAYS	STORAGE	3			in the suit		NOI	J.P. & N.M. Peeples to Roger
in Hiskett		FACTOR	0.02.0			1		DESCRIPTION	J.P. & N
Carl William & Phyllis Ann Hiskett 131 N. Hwy 95A Yerington NV 89447		ACRES	8.254					DATE	06/01/67
Carl William & P 131 N. Hwy 95A Yerington NV		S.F.S.			.NO	Fr. SE 1/4 of SE 1/4, Sec. 16; T 14 N, R 25 E.	JRY:		
Division #: Card #: Name: Address:	Court Decree:	PRIORITY	NEWL		I FGAL DESCRIPTION:	Fr. SE 1/4 of SE 1/4 T 14 N, R 25 E.	POCLIMENT HISTORY:	DOCUMENT #	#50-

Roger B. & Mildred Lee to William C. & Margaret B. Giles.

03/07/77

#31849

## Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/21/13 Page 55 of 56

Lyon County No. 1227111 Claim No. 1090 User # Greenwood	TOTAL ACRES 8.000	Water Rt. Acres 8.000	Acre Feet Storage					Family Trust	
RICT	TOPAZ RES. BRIDGEPORT RES. CLAIM# ACRE FEET ACRE FEET	.00 16.47	COMMENTS:	06/13/12 - Address Changed			DESCRIPTION DESCRI	Kennedy, McMarian, D.C. & N.C., & Cleo N. Kennedy, Trustees of the Dale Kennedy & Cleo Kennedy Family Trust Dale S. & Cleo N. Kennedy to Dale S. & Cleo N. Kennedy Pamily Trust	
KER RIVER IRRIGATION DISTRICT YERINGTON, NEVADA of Owner:  O. & M. Local No. 3	ACRE FEET APPORTIONED	16.470 16.47					& D.A.: Lynch & Sullans to I	k Cleo N. Kennedy, Trustees	
Water Rigi	ACRE FEET REQUI						WI I G & O G cod-	o N. Kennedy to Dale S. 8	
Kennedy Family Trunnedy, Trustees 894419292	PACTOR STORAGE	4.2768			•		DESCRIPTION	Kennedy, Mc Dale S. & Cle	
Dale Kennedy & Cleo Kennedy Family Trust Dale S. & Cleo N. Kennedy, Trustees 40 Stags Leap Circle Sparks NV 894419292	ACRES	8.000			Sec. 11;		DATE	01/06/71	
8	ree:	3		CRIPTION:	Frac. NE 1/4 of NW 1/4, Sec. 11; T 12 N, R 25 E.	HISTORY:	#_	~	
Division #: Card #: Name: Address:	Court Decree:	NEWL		LEGAL DESCRIPTION:	Frac. N T 12	DOCUMENT HISTORY:	DOCUMENT#	#05189	

### Case 3:73-cv-00127-MMD-CSD Document 4 Filed 11/21/13 Page 56 of 56

WALKER RIVER IRRIGATION DISTRICT YERINGTON, NEVADA

Water Right Owner: Address: Albert Carlos Skinner, LLC

92865-380 2049 N. Chouteau St. გ Orange

Address:

1893 Plymouth 275A & A2 1044126 123 Lyon County No. Claim No. Index No. User# Ditch

Court Decree:	C-125, P. 3	C-125, P. 38; Plymouth L & L	κr									
								TODA7 RES	BRIDGEPORT RES.		04	76.020
			CACTOR	DAYS	ACRE FEET REQUIRED	REQUIRED	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM #	TOTAL ACKES	
PRIORITY	C.F.S.	ACKES	2002	STORAGE	PER ACRE							
			0100			000				123	Water Rt. Acres	76.020
1862	.002	.160	3.2076	>		000				123	1	
4062	137	11.410	3.2076	0		000.				123	Non Wtr Rt. Acres	000.
1803	2	010	2 2076	•		000				143		
1864	166	13.8/0	3.2070	>		000				123		
4000	025	2.080	3.2076	0		000.				423	Accept Storage	49.870
1808	270.	000	2 2076	47	0.4039	1.543				671	Acre reet crotage	
1878	.046	3.820	3.2010	!	0.4030	5 622				123		
1878	.167	13.920	3.2076	17	0.4039	10:0				123		
	000	A 070	3 2076	58	0.689	3.424						
1885	090.	4.0	2		0000	4 075				123		
1802	018	1.460	3.2076	31	0.7366	20.1				123		
7001		0.470	2 2076	32	0.7603	6.972						
1897	011.	9.170	2015	3	2 0502	34.232						
NEWL		15.167	4.2768	69	4.0034		40.07	49.87	00.			
A LOS	730	76 027				49.869	49.07					
101.91	00.					6		COMMENTS	ģ			
LEGAL DESCRIPTION:	ON:					が		Parcel	Parcel 1 of PM129037			
9 017 111	2 4 4 Er S	- WAY AS SE 414 Er SW 1/4 of NE 1/4. Sec. 9:	4. Sec. 9:	f.	が一直に	等 经 经 医 经		B.L. Ad	B.L. Adj #200449	1474	og . Francis	
Fr. W 1/2 of 3E 1/4,	2 1/4, rl. 5 2 24 E.				3		•	05/23/0	05/23/01 - Transferred from card #17 105 - Francis or (47/42 - Address Changed	om card #171		
-	i				事 一			1//1/60	- Addices offa	Book		

		Storage Water Transfer to Plymouth Land & Stock. N.D.	Quitclaim of Decree Water from Plymouth Land & Livestock to M.C. 2001.,	Map of Division of Large Parcels, being a division of Parcel #2 M.D.L.P. #130945 by N. D. Brown, Inc.	Norman D. Brown, Inc., a Nevada Corporation to Artnur Scott & Territor. Doctron.	Arthur Scott & Terri L. Dockter to Norman D. Brown, inc., a normal control of the second second second by Brown inc 12/4/96
	İ	DATE	03/07/90 Quitclaim of Decree Water from Pl	06/18/92 Map of Division of Large Parcels,	04/08/93 Norman D. Brown, Inc., a Nevada	09/30/93 Arthur Scott & Terri L. Dockter to
POCIMENT DISTORY.	DOCOMEN INC. CO.	DOCUMENT #	#131161	4152692	#160271	#165045

_	Arthur Scott & Terri L. Dockter to Norman D. Brown, ille., a norman Corp.	Boundary Line Adjustment for N.D. Brown, Inc. 12/4/300	Norman D. Brown, Inc., a Nevada Corporation to Not wife as I Joint Tenants to Albert Carlos Skinner, LLC, a California Limited Liability	Roy D. Francis, Jr. & Elizabeth L. Francis, nusband and wife as commendated and property of the commendated and property of th	Company	
04/08/93	09/30/93	12/04/96	12/04/96	11/29/00		

Division #:

Card #: Name:

EXHIBIT 260

#200449 #200450 #254939